

**REMARKS**

In their Amendment filed August 24, 2006, Applicants demonstrated that no *prima facie* case of obviousness has been set forth in the pending rejections under 35 U.S.C. § 103. Applicants respectfully submit that for this reason alone these rejections should be reconsidered and withdrawn.

However, even assuming a *prima facie* case of obviousness has been set forth, the surprising and unexpected results associated with the claimed invention are more than sufficient to rebut any such hypothetical *prima facie* case of obviousness.

Specifically, as detailed in the Rule 132 declaration submitted concurrently herewith, four compositions were prepared. Composition A contained VS80 sold by 3M, a polymer having a polysiloxane backbone grafted by at least one non-silicone organic monomer, which was representative of compositions useful in the invention methods in the present application. (Rule 132 declaration, par. 4). Compositions B-D were comparative compositions.

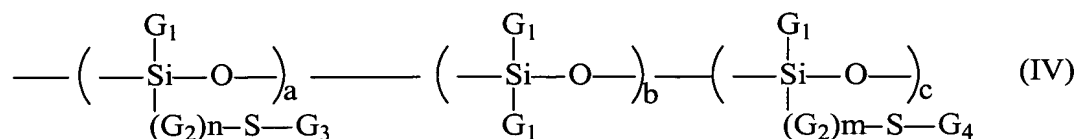
Composition B contained a silicone/dimethylaminoethyl methacrylate copolymer sold by Wacker under the trade name Jetsoft NFS (a conditioning foaming agent). (Rule 132 declaration, par. 5). Composition C contained a methyl methacrylate/2-ethylhexyl acrylate/silicone copolymer sold by Tasei Chemical Industries under the trade name Acrit 8HV-1023 (a film forming agent). (Rule 132 declaration, par. 5). Composition D contained a butyl acrylate/silicone copolymer sold by Dow Corning under the trade name Dow Corning TIB 4-220 (a film forming agent). (Rule 132 declaration, par. 5). The polymers in Compositions B-D were copolymers containing polysiloxane and non-silicone moieties; however, these polymers did not have a polysiloxane backbone grafted by at least one non-

silicone organic monomer -- they were arranged in a different configuration. (Rule 132 declaration, par. 5).

Invention Composition A provided a significantly higher absolute value of the percentage of retraction of the stratum corneum than the three Comparative Compositions B-D provided. (Rule 132 declaration, par. 7). Specifically, Invention Composition A provided a value of close to 1%, whereas Comparative Compositions B-D provided a value of less than 0.3%: Composition B provided a value of close to 0% (no tensioning effect); Composition C provided a value of less than 0.3%; and Composition D provided a value of close to 0% (no tensioning effect). (Rule 132 declaration, par. 7). Thus, Invention Composition A possessed significantly higher tensioning effect than Comparative Compositions B-D. (Rule 132 declaration, par. 7).

This vast difference in tensioning effect among the different polymers was surprising and unexpected given the similarity of the compositions and the similarity of the moieties in the polymers. (Rule 132 declaration, par. 8). Moreover, the increased tensioning effect obtained with Invention Composition A is representative of the present invention. (Rule 132 declaration, par. 9). That is, because tensioning effect corresponds to effectiveness in reducing cutaneous signs of aging or wrinkles for purposes of the present invention, it would be expected that compositions comprising an amount of at least one grafted silicone polymer effective to reduce signs of cutaneous aging or wrinkles, wherein said grafted silicone polymer comprises a polysiloxane portion and a portion comprising a non-silicone organic chain, one of the two portions constituting a main chain of the polymer and the other being grafted to the main chain, wherein the grafted silicone polymer is a polymer with a

polysiloxane backbone grafted by at least one non-silicone organic monomer and comprises, in its structure, the unit of following formula (IV):



in which the G<sub>1</sub> groups, which are identical or different, represent hydrogen or a C<sub>1</sub>-C<sub>10</sub> alkyl group or alternatively a phenyl group; the G<sub>2</sub> groups, which are identical or different, represent a C<sub>1</sub>-C<sub>10</sub> alkalene group; G<sub>3</sub> represents a polymeric group prepared by the (homo)polymerization of at least one anionic monomer with ethylenic unsaturation; G<sub>4</sub> represents a polymeric group prepared by the (homo)polymerization of at least one hydrophobic monomer with ethylenic unsaturation; m and n are, independently of one another, equal to 0 or 1; a is an integer ranging from 0 to 50; b is an integer which can be between 10 and 350 and c is an integer ranging from 0 and 50, with the proviso that one of the parameters a and c is other than 0, would possess improved tensioning effects and, thus, improved signs of cutaneous aging/wrinkle reducing effects like those of Invention Composition A. (Rule 132 declaration, par. 9).

The difference in tensioning effect and, thus, signs of cutaneous aging/wrinkle reducing effects between the Invention Composition and the Comparative Compositions demonstrates the surprising and unexpected benefit derived from using the claimed polymers in the Invention Methods. (Rule 132 declaration, par. 10). Moreover, the improved tensioning effects associated with the claimed polymers would be commercially significant -- compositions containing such polymers would be more effective at reducing signs of

aging/wrinkles and, thus, more popular with consumers. (Rule 132 declaration, par. 11).

In view of the above, Applicants respectfully submit that a sufficient showing of unexpected and surprising results has been made to overcome any hypothetical case of *prima facie* case of obviousness which may exist. Nothing in any of the cited references teaches or suggests using the effective amounts of the claimed polymers with the intent of reducing cutaneous signs of aging/wrinkles, let alone that the claimed polymers would possess surprising and unexpected properties in this regard. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

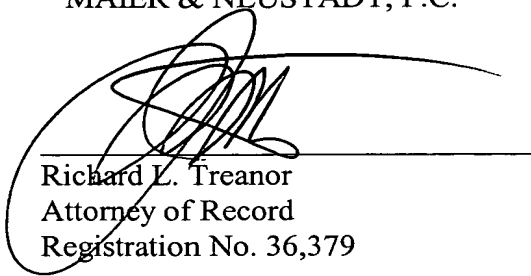
For all of the above reasons as well as all of the reasons set forth in their August 24, 2006, response, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

Application Serial No. 09/533,361  
Supplemental Response to Office Action dated March 24, 2006

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Richard L. Treanor  
Attorney of Record  
Registration No. 36,379

Jeffrey B. McIntyre  
Registration No. 36,867

Customer Number  
**22850**

Tel #: (703) 413-3000  
Fax #: (703) 413-2220